

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:
BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,
ASCOT FUND LTD., GABRIEL CAPITAL
CORPORATION,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 09-01182 (SMB)

SIXTEENTH AMENDED CASE MANAGEMENT PLAN

Irving H. Picard (“Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC and the consolidated estate of Bernard L. Madoff, Ralph C. Dawson, as Receiver for Defendant Ascot Partners, L.P., and Defendants Ascot Fund Ltd., J. Ezra Merkin, and Gabriel Capital Corporation (“Defendants”) (collectively, “Parties”) in the above-captioned adversary proceeding, seek to modify the July 13, 2016 Fifteenth Amended Case Management Plan (ECF No. 324) pursuant to Fed. R. Civ. P. 16(a)(4), as incorporated by Fed. R. Bank. P. 7016.

1. Pretrial Briefing and Disclosures: The following shall be the schedule for Pretrial Briefing and Disclosures.

a. *March 10, 2017:*

- i. Parties shall exchange Preliminary Witness Lists.
- ii. Parties shall exchange Pre-Marked Exhibits.
- iii. Parties shall exchange Deposition Testimony Designations.

b. *March 24, 2017:*

- i. Parties shall exchange Objections to Pre-Marked Exhibits and Deposition Testimony Designations.
- ii. Parties shall exchange Counter and Cross Deposition Testimony Designations.

c. *March 31, 2017:*

- i. Parties shall exchange Objections to Counter and Cross Deposition Testimony Designations.

d. *April 7, 2017:*

- i. Motions *in Limine* shall be filed.

e. *May 10, 2017:*

- i. Oppositions to Motions *in Limine* shall be filed.

f. *June 6, 2017:*

- i. Replies in support of Motions *in Limine* shall be filed.

2. The parties shall file their proposed Joint Pretrial Order and Trial Briefs by June 21, 2017.

3. Final Pretrial Conference: The final pretrial conference will be held on Wednesday, June 28, 2017 at 2:00 pm before the Honorable Stuart M. Bernstein, United States Bankruptcy

Judge, at the United States Bankruptcy Court, Southern District of New York, One Bowling Green,
New York, New York 10004-1408.

4. Trial: Trial shall commence on a date to be determined before the Honorable Stuart
M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, Southern
District of New York, One Bowling Green, New York, New York 10004-1408.

SO ORDERED.

Dated: February 21, 2017
New York, New York

/s/ *Stuart M. Bernstein*
STUART M. BERNSTEIN
United States Bankruptcy Judge